IN THE HIGH COURTOF PUNJAB AND HARYANA, CHANDIGARH.

CWP No. 18647 of 2007
Date of decision: 11.12.2007

Jasbiro Devi

....Petitioner.

vs.

State of Punjab and others.

..Respondents

CORAM: HON'BLE MR.JUSTI CE J.S.KHEHAR.
HON'BLE MR.JUSTICE SHAM SUNDER.

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Present: Mr.Ramesh Sharma, Advocate, for the petitioner.

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***J.S.KHEHAR,J. (Oral)***

The petitioner was inducted into the service of the respondents as an Anganwari Worker at village Bhajura Tehsil Pathankot District Gurdaspur in 1990. It is the contention of the learned counsel for the petitioner that at the time of the petitioner's appointment in 1990, the petitioner was unmarried. It is also the contention of the learned counsel for the petitioner that after her marriage the petitioner shifted to the village of her husband i.e. village Chhota Daulatpur.

In August 2007 a vacancy of Anganwari Worker arose in village Chhota Daulatpur whereupon the petitioner made a representation to the respondents seeking her transfer/adjustment as Anganwari Worker from village Bhajura to village Chhota Daulatpur. Rather than considering the representation made by the petitioner, the respondents chose to fill up the vacancy which had arisen in village Chhota Daulatpur by way of direct recruitment and appointed respondent No.8 against the aforestated vacancy. It is the contention of the learned counsel for the petitioner that in terms of the instructions placed on the record of the instant writ petition as Annexure

P4, the petitioner had a superior right over respondent No.8 for appointment as Anganwari Worker at village Chhota Daulatpur.

Having perused the policy instructions placed on the record of this case as Annexure P4, we are satisfied that the aforesaid instructions pertains to the direct recruitment. The petitioner never responded to the publication inviting applications for the post of Anganwari Worker at village Chhota Daulatpur and as such there is no question of her being considered for appointment as such. Since the petitioner was never an applicant, there is no question of even comparing her merit with the candidate selected and appointed as Anganwari Worker in village Chhota Daulatpur.

For the reasons recorded hereinabove, we find no merit in this petition and the same is accordingly dismissed.

( J.S.Khehar )
Judge

( Sham Sunder )
Judge

December 11, 2007
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